

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
v.)	Case No. 3:22-cv-49-NKM
)	
JOSHUA MAST, <i>et al.</i> ,)	
)	
<i>Defendants</i> ,)	
)	
and)	
)	
UNITED STATES SECRETARY OF)	
STATE ANTONY BLINKEN, <i>et al.</i> ,)	
)	
<i>Nominal Defendants.</i>)	
)	

**DEFENDANT RICHARD MAST’S MOTION TO FILE UNDER SEAL
UNREDACTED EXHIBITS TO HIS MEMORANDUM
IN OPPOSITION TO PLAINTIFFS’ MOTION FOR PROTECTIVE ORDER**

Defendant Richard Mast hereby moves this honorable Court to file unredacted copies of the Exhibits referenced in or attached in redacted format to his Memorandum In Opposition to Plaintiffs’ Motion For Protective Order, under seal, pursuant to Local Rule 9 and the Protective Order (Dkt. 26).

1. Richard Mast’s Memorandum references Exhibits, some of which have been filed in the preexisting Virginia state court proceeding in which Plaintiffs John and Jane Doe seek to unwind Defendants Joshua and Stephanie Masts’ adoption of the Masts’ daughter. That proceeding is presently under seal. The Virginia state court has allowed the Defendants Joshua and Stephanie Mast and Defendant Richard Mast to discuss that case’s filings in this case, provided that they seek to submit documents from that case under seal. Other Exhibits referenced in Defendant Richard

Mast's Memorandum are redacted so as to comply with this Court's previous Protective Order (Dkt.26) regarding the identities of the Mast's daughter and the identities of Plaintiffs John Doe and Jane Doe.

2. The Exhibits listed in the Opposition to the Motion for Entry of A Protective Order (Dkt.171), unredacted copies of which Richard Mast seeks to file under seal are as follows:

Exhibit 1 [DASD Determination of 11 Feb 2020 FOIA Release];

Exhibit 2 (filed under seal);

Exhibit 3 (filed under seal);

Exhibit 6 [4 Nov 2019 Specific Risk of Harm Letter, Task Force MED-A released to ICRC];

Exhibit 8 [5 Jan 2022 Pender County Sheriff's Office Force Protection Emails with Declassified Mission Summary, released pursuant to North Carolina Public Records Law N.C.G.S. §132-1];

Exhibit 9 [MARSOC Preliminary Inquiry into Major Mast's capacity];

Exhibit 10 (filed under seal);

Exhibit 14 (filed under seal);

Exhibit 15 (filed under seal);

Exhibit 16 (filed under seal);

Exhibits 17, 18 (Major Mast's initial *Touhy* approval and subsequent *Touhy* rescissions);

Exhibit 19 (filed under seal);

Exhibits 20, 21, 22, 23, and 24 (Major Mast's initial *Touhy* approval and subsequent *Touhy* rescissions).

3. The Supreme Court of Virginia recently called into question whether the Circuit Court records should remain sealed because of the Supreme Court's recent decision in *Daily Press, LLC v. Commonwealth*, ___ Va. ___, ___, 878 S.E.2d 390, 403–07 (2022). But it held that the Circuit Court record would remain provisionally sealed until the Circuit Court has provided notice of the proceedings to the public, offered an opportunity for intervenors to seek access to the record, and entered an order based on specific findings as to whether some or all of the record should remain sealed. The entry of a written order is pending in the Circuit Court.

4. Richard Mast also anticipates moving this Court for an order modifying its protective order, including its authorization for Plaintiffs John Doe and Jane Doe to proceed under pseudonyms.

4. While the Circuit Court implements the Supreme Court's order, and pending further action from this Court on the protective order, Defendant Richard Mast seeks leave to file the aforementioned Exhibits under seal and unredacted so as not to moot any of those issues unilaterally. Richard Mast acknowledges that it may soon be appropriate to revisit the matter in light of subsequent developments.

For the above reasons, Richard Mast respectfully requests the Court to grant this Motion to file the referenced unredacted Exhibits from the Virginia Circuit Court case or other Exhibits redacted so as to be compliant with this Court's pseudonym and protective orders.

Dated: February 28, 2023

Respectfully submitted,

/s/ Richard L. Mast
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Mast*

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on February 28, 2023, a true and accurate copy of the foregoing was submitted to the Court's ECF electronic mail account, copying counsel of record for Defendants, in order to be filed under seal in the above-captioned matter.

/s/ Richard L. Mast
Richard L. Mast, *pro per*